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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LAURIE GIBBS HARRIS,

Plaintiff,

vs.

NORTHWESTERN INVESTMENT
MANAGEMENT COMPANY, LLC,
NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY, and DOES 1
through 20 , inclusive,

Defendants.

Case No. 10-01763 CW

**STIPULATION AND ORDER
CONTINUING DISPOSITIVE MOTION
HEARING DEADLINE**

1 Plaintiff Laurie Gibbs Harris (“Plaintiff”) and Defendants Northwestern Investment
 2 Management Company, LLC and Northwestern Mutual Life Insurance Company (“Defendants”),
 3 the parties to the above-entitled action (collectively, the “Parties), submit this stipulation to the
 4 Court:

5 **STIPULATION**

6 WHEREAS, on September 14, 2010, the Court issues a *Minute Order and Case*
 7 *Management Order* (the “Case Management Order”) scheduling June 2, 2011 as the last day by
 8 which the Court must hear all case-dispositive motions;

9 WHEREAS, pursuant to Civil Local Rule 7-2 and the Court’s Standing Order, the current
 10 deadline for filing a case-dispositive motion is April 28, 2011;

11 WHEREAS, the deadline for the completion of fact discovery as set forth in the Case
 12 Management Order was April 4, 2011;

13 WHEREAS, the Parties have agreed to continue to engage in some fact discovery beyond
 14 the April 4, 2011 deadline, such as the completion of previously noticed depositions of Plaintiff
 15 and of several of Defendants’ representatives;

16 WHEREAS, Plaintiff’s responses to Defendants’ Interrogatories, Request for Admissions,
 17 and Requests for Production of Documents were due to be served on Defendants by April 4,
 18 2011, the deadline for completion of fact discovery;

19 WHEREAS, in response to Plaintiff’s requests, Defendants agreed to allow Plaintiff
 20 additional time to serve discovery responses;

21 WHEREAS, Plaintiff served responses to some discovery requests on April 13, 2011, and
 22 served supplemental responses on April 18, 2011;

23 WHEREAS, Plaintiff’s supplemental interrogatory responses indicate, with respect to
 24 approximately fourteen (14) interrogatories, that she is unable to respond at this time but hopes to
 25 serve supplemental responses by April 29, 2011;

26 WHEREAS, the Parties are continuing to meet and confer regarding the completeness of
 27 Plaintiff’s discovery responses, in addition to the above-mentioned fourteen interrogatories to
 28 which Plaintiff has not yet responded;

1 WHEREAS, Defendants' ability to file a dispositive motion by the current deadline of
2 April 28, 2011 is prejudiced by the incompleteness of fact discovery;

3 WHEREAS, pursuant to the Case Management Order, trial is set to begin on October 3,
4 2011;

5 WHEREAS, a continuance of the dispositive motion deadline would not require
6 modification to the trial date or other court-ordered dates;

7 WHEREAS, the Parties have not previously sought and the Court has not previously
8 ordered time modifications;

9 WHEREAS, in light of the above factors, the Parties have agreed to seek to a continuance
10 of the deadline for hearing case-dispositive motions to allow additional time for the completion of
11 fact discovery and preparation of case-dispositive motions;

12 THEREFORE, the Parties, through their respective counsel of record, hereby
13 STIPULATE to continue the last day by which the Court must hear any case-dispositive motions
14 to June 30, 2011, or thereafter, subject to the Court's convenience and availability.

15 IT IS SO STIPULATED.

16
17 DATE: April 25, 2011

/s/ Carolyn A. Leary

18 John A. McGuinn
19 Carolyn A. Leary
20 McGuinn, Hillsman & Palefsky
21 Attorneys for Plaintiff, Laurie Gibbs Harris

22 DATE: _____


/s/ Megan Barry Borovicka

23 Melinda S. Riechert
24 Megan Barry Borovicka
25 Morgan, Lewis & Bockius

26 Attorneys for Defendants,
27 Northwestern Investment Management Company,
28 LLC and Northwestern Mutual Life Insurance
Company

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Case Management Conference
2 is also continued to June 30, 2011 at 2 pm.

3 DATE: April 26, 2011

4 
The Honorable Claudia Wilken
United States District Judge

5
6
7 **ATTESTATION**

8 Pursuant to General Order 45(X), I attest that concurrence in the filing of this document
9 has been obtained from the other signatory.

10
11 Dated: April 25, 2011

12 By: /s/ Megan Barry Borovicka
Megan Barry Borovicka